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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/06/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.9407 of 2023

S.Meenakshi

... Petitioner/Accused No.11

Vs

The State represented by
The Inspector of Police,
District Crime Branch
Anti Land Grabbing Special Cell
Madurai District.
Crime No.12 of 2023..

... Respondent/Complainant

For Petitioner : M/s.Krishna Doss.K.P,
Advocate.
For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime no.12 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/All who apprehends arrest at the hands of the respondent police for the offences punishable under sections 420,465,467,468,471,419 r/w.34 and 109 of IPC of IPC in Crime No. 12 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that A3 to A5 impersonated the defacto complainant and sold the property to A1 and A1 in turn settled the property to A2. The petitioner herein who is the Sub Registrar without verifying the same had registered the document, hence the case.

3. Heard both side and perused the materials available on record including the First Information Report.



4. It is seen that there are eleven accused in this case and the petitioner herein is arrayed as A11. While the petitioner was working as Sub Registrar the first accused executed settlement deed in favour of the second accused and the same was registered as document No. 24 of 2022 dated 04.01.2022. The property belongs to the defacto complainant and in order to grab the same, A3 to A5 impersonated the defacto complainant and executed sale deed in favour of A1 who in turn settled the same in favour of A2, who is the son of A1. In so far as the petitioner is concerned he registered only the settlement deed after following the procedures as contemplated under the Act. Further the Sub Registrar without verifying the finger print and cornea had registered the settlement deed. Taking into consideration all the above the facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioner, with certain conditions:

5. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Special Court for Land Grabbing Cases, Madurai on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police daily at 6.30 pm., for a period of one week and thereafter as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].



[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
07/06/2023

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

- 1 THE JUDICIAL MAGISTRATE,
SPECIAL COURT FOR LAND GRABBING CASES,
MADURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
- 3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH
ANTI LAND GRABBING SPECIAL CELL
MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.K.P.KRISHNA DOSS, Advocate (SR-8235[I] dated
07/06/2023)

ORDER
IN
CRL OP(MD) No.9407 of 2023
Date :07/06/2023

SS/SSS/12/06/2023/3P/6C